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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,542	09/02/2001	Ivo Agner	GS 0444 A US	1898

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Alfred J. Mangels  
4729 Cornell Road  
Cincinnati, OH 45241-2433

EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/945,542

**Applicant(s)**

AGNER, IVO

**Examiner**

Vicky A. Johnson

**Art Unit**

3682

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-16 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-16 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 23, 2004 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii (US 5,957,260) in view of Mori (US 5,342,246).

Kunii discloses a control system comprising: a pressure control valve (104), which can be controlled via a control means (100) by a control variable (current) in order to adjust a working medium pressure (CR) within a nominal pressure range and a maximum pressure range (col. 11 lines 3-19), wherein the maximum pressure range is between a system pressure value and the nominal pressure range (col. 2 lines 1-11), including an actuation means (114) for the pressure control valve or pressure reduction valve that actuates a valve body member (116) beyond a specified value of the control

variable in such a way that with equal changes of the control variable the working medium pressure in the maximum pressure range changes more than in the nominal pressure range (col. 10 lines 63-67).

Kunii does not disclose a control conduit connected with the control means and extending between and connected with the actuation means and the pressure control valve or the pressure reduction valve for conducting a pilot pressure produced by the control means to the actuation means and to the pressure control valve or pressure reduction valve.

Mori discloses a control conduit (30) connected with the control means (12) and extending between and connected with the actuation means (14) and the pressure control valve (10) or the pressure reduction valve for conducting a pilot pressure produced by the control means to the actuation means and to the pressure control valve or pressure reduction valve (col. 4 lines 18-68).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the control system of Kunii to include the control conduit connected with the control means and connected with the actuation means and the pressure control valve or the pressure reduction valve for conducting a pilot pressure as taught by Mori in order to modify the hydraulic pressure (col. 4 lines 58-68).

Re claim 9, Kunii shows the pressure control valve (104) includes a valve body member (108) that is operated by a control medium serving as a control variable (col. 8 lines 9-37).

Re claim 10, Kunii shows the pressure control valve (104) includes a valve body member (108) that can be controlled via an electric device (100).

Re claim 11, Kunii shows the control means is a proportional valve (102a) that modulates the control variable from a pilot variable (col. 11 lines 52-59).

Re claim 12, Kunii shows the pilot variable is a pilot pressure (CR) and wherein the control means is a proportional valve (102a) that can be controlled electrically (col. 11 lines 52-59).

Re claim 13, Kunii shows the proportional valve (102a) modulates the control medium pressure for the pressure control valve (104) from the pilot pressure as a function of its selection (see Fig 13).

Re claim 14, Kunii shows the valve body member of the pressure control valve includes (104) a pressure feedback surface (see Fig 11) onto which the working medium pressure is applied (from line 112).

Re claim 15, Kunii shows the actuation means is an on-off valve (114) and is arranged downstream from the pressure feedback surface (see Fig 11), and the actuation means is actuated by the control means (col. 10 lines 3-28), and wherein beyond a defined value of the control variable the pressure feedback to the pressure feedback surface is at least restricted (col. 10 lines 39-46).

Re claim 16, Kunii shows the on-off valve (114) can be controlled via the control medium pressure (col. 10 lines 3-28).

Re claim 17, Kunii shows the on-off valve (114) can be actuated electrically via the at least one control means (col. 10 lines 3-28).

Re claim 19, Kunii shows a method for operating a control system comprising the steps of: controlling a pressure control valve (104), via a control means (100) by a control variable (current) in order to adjust a working medium pressure (CR) within a nominal pressure range and a maximum pressure range (col. 11 lines 3-19), wherein the maximum pressure range is between a system pressure value and the nominal pressure range (col. 2 lines 1-11), including an actuation means (114) for the pressure control valve or pressure reduction valve that actuates a valve body member (116) beyond a specified value of the control variable in such a way that with equal changes of the control variable the working medium pressure in the maximum pressure range changes more than in the nominal pressure range (col. 10 lines 63-67) and Mori shows and renders obvious a pilot pressure produced by the control means to the actuation means and to the pressure control valve or pressure reduction valve (col. 4 lines 18-68).

Re claims 20 and 21, Mori shows and renders obvious the pilot pressure is operative against respective spring forces acting within the actuation means and within the pressure control valve (col. 4 lines 58-68).

Regarding the amended claims 8 and 19 that recite that the control system is, "for a working medium pressure for hydraulically controlling a contact pressure of a movable pulley against an endless torque-transmitting member of a continuously variable transmission", it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

***R sponse to Arguments***

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Kunii reference fails to meet the limitations of the claims because the control system operates to control a friction clutch. The Kunii reference meets the limitations of the claims as shown above, and the intended use of the control system does not differentiate the claimed apparatus from the prior art apparatus.

It is also argued that the Mori reference fails to meet the limitations of the claims, because it is directed to an automatic transmission, which does not include a pulley or belt. The Mori reference is not used to teach a pulley or a belt. The Mori reference is used to teach that it is known to have a control conduit connected with the control means and extending between and connected with the actuation means and for conducting a pilot pressure produced by the control means to the actuation means and to the pressure control valve.

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

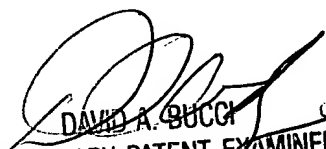
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vaj

8/3/09

  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
8/3/09